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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/386,813 02/08/95 HUGLUND

B 361427-2000

EXAMINER

IM22/0522

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
SUITE 701-E
555 13TH STREET, N.W.
WASHINGTON DC 20004

HON. S

ART UNIT

PAPER NUMBER

1772

DATE MAILED:

05/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/386,813

Applicant(s)

HOGLUND ET AL.

Examiner

Sow-Fun Hon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 20) ☐ Other: _____

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DETAILED ACTION

Continued Prosecution Application

1. The request filed on 11/27/00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/386,813 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 13-25, 27-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "elasticity properties substantially similar to" is not given any patentable weight unless defined by values.

4. Claims 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "is reduced by about $x\text{-}y\text{g}/\text{m}^2$ in comparison to" is not given any patentable weight in the absence of the showing of unexpected results.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (US Patent 3,645,760) in view of Hammer et al. (US Patent 5,143,584).

O'Brien et al. teach that it is well-known in the art to prepare fibrous casings in the claimed manner. A long fiber hemp (manila based) paper is formed into tubular form. Viscose is supplied under positive pressure from the chamber of a coating die through an annular opening, circumferentially of its inner face, through which the viscose is applied to the outer surface of surface of the paper tube. A number of slip rings are positioned on the mandrel at preselected intervals to maintain the paper in the form of a tube. The viscose-impregnated, paper tube is sent into a coagulating bath containing sulfuric acid and salts (column 4, lines 1-50). It is well known to one of ordinary skill in the art to add a step of plasticizing the tube.

O'Brien et al. teach that the tubular fibrous casings are used as sausage casings (column 3, lines 10-15). O'Brien teach that the (manila) hemp paper weighs 10-20 pounds per ream (17-34 g/m²) (column 4, lines 1-5), and therefore do not teach the use of paper weighing less than 15 g/m².

Hammer et al. have a paper for fiber reinforcement in a base layer of a cellulose-based packaging film, in particular a tubular artificial sausage casing (abstract). Hammer et al. teach tha the resins to be applied to the paper (column 3, lines 45-55) have an advantage when stable in

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the alkaline region during the treatment of the paper with alkaline viscose solution. The paper impregnated with viscose retains its strength prior to acid precipitation of the viscose. Hammer et al. teach that the paper intended as fiber reinforcement has a weight of from about 12 g/m² onwards (column 4, lines 10-25). The paper is taught to be of (Manila) hemp fiber (column 4, lines 64- 68).


Because Hammer et al. teach the use of hemp fiber as reinforcing paper with a weight of from about 12 g/m² onwards in sausage casings, it would have been obvious to one of ordinary skill in the art to have used the claimed amount of paper in the prior art disclosure of O'Brien to obtain a method of making a sausage casing with lighter weight paper reinforcement for the desired end-use.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (703)308-3265. The examiner can normally be reached Monday to Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703)308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

SH
05/15/01


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

5/16/01